REMARKS

Amendments to the Specification and Objection:

The continuation information has been amended to indicate the issuance of parent application USSN 08/973,131 as U.S. Patent No. 6,326,166. Applicant respectfully submits that this amendment addresses the Examiner's objection under paragraph 4, page 2 of the Office Action.

Amendments to the Claims and Rejection Under 35 U.S.C. § 112, Second Paragraph:

Claim 34 has been amended to correct an inadvertent clerical error (e.g., see original claim 35 for support). Applicant respectfully submits that this amendment overcomes the Examiner's rejection under 35 U.S.C. § 112, second paragraph (see paragraph 5, page 3 of the Office Action).
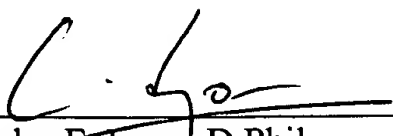
Double Patenting Rejection:

Claims 1-12, 16-27 and 31-38 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 22 of U.S. Patent No. 6,326,166 (the '166 patent). The '166 patent is commonly owned with the present application, and a Terminal Disclaimer obviating this rejection is enclosed herewith. Applicant respectfully submits that this Terminal Disclaimer overcomes the double patenting rejection.

Conclusion:

For the reasons presented above, it is submitted that the pending claims (including withdrawn claims 13-15, 28-30 and 39-46) are allowable. If the Examiner feels that a telephone interview would expedite the prosecution of this case towards allowance he is invited to contact the undersigned at 617-248-4793. In addition, please charge any fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Respectfully submitted,
CHOATE, HALL & STEWART

Dated: November 11, 2004

Charles E. Lyon, D.Phil.
Agent for Applicant
Limited Recognition Under 37 CFR § 10.9(b)

PATENT GROUP
CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
Telephone: (617) 248-5000
Facsimile: (617) 248-4000